



RAVALLI COUNTY ATTORNEY

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TO: Karen Hughes
CC: Ravalli County Commissioners ✓
FROM: Alex Beal, Deputy AB
DATE: April 24, 2007

RECEIVED
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Ravalli County Commissioners

RE: Request for Legal Review, McMillan Ranch No-Build/Alteration Zone

I have reviewed the conditional approval of the McMillan Ranch, Lot 1A, AP minor subdivision. You have informed me that the owners have requested a "310" permit from the Bitterroot Conservation District to conduct bank stabilization. The conditional approval contains a no-build/alteration zone. You have asked if the no-build/alteration zone is technically in place before final plat approval.

I have reviewed the Preliminary Plat Decision and I believe there is a simpler question to answer. From that document, it is clear that the County was on notice that the bank would require further stabilization. See p 11, *Criterion 6: Findings of Fact, #1*. We have also set out certain requirements. Under "**Riparian Buffer Zone**" vii (p. 6), "allow the no-build/alteration zone to remain undisturbed. Do not modify unless such change would help return the area to a natural state." Finally, under "*Required Items Prior to Filing the Final Plat*" (p. 17) item #18, we require copies of all BCD or Army Corps permits. So long as the owners comply with the requirements of #18 and provide copies of the permits, they have satisfied the requirements for final plat approval. As we cannot prohibit the final plat from being filed so long as they meet the conditions we have set out, we can ask no more of them. I would suggest that they co-ordinate with Ms. Hendrix to assure that there are no floodplain issues involved with work in this riparian area.